Image AF/2875

Atty. Dkt. No. PHJ 99025

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Toshio TAKAHASHI

Title: LAMP

Appl. No.: 09/890,200

Filing Date: July 26, 2001

Examiner: D. Dong

Art Unit: 2875

TRANSMITTAL OF BRIEF ON APPEAL

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an appeal brief in the above-identified application:

Submitted herewith in connection with the above application are the following:

[**X**] Brief on Appeal, original and two (2 copies).

[**X**] A check in the amount of $330.00 is enclosed in payment of fee for filing a brief in support of an appeal under 37 CFR 1.17(c).

[ ] Please charge Deposit Account No. 19-0741 in the amount of $00.00. A duplicate copy of this transmittal is enclosed.

[**X**] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date January 9, 2004

By

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APPEAL BRIEF

Sir:

This Brief on Appeal is timely filed in triplicate under the provisions of 37 CFR § 1.192 following the Notice of Appeal filed December 8, 2004. The requisite fee for this Brief also accompanies this paper. By this Brief, the authorities and arguments on which the Appellants will rely to maintain this appeal are set forth. As required by Rule 192(c), the Brief contains the following items under appropriate headings and in the order there indicated.

I. REAL PARTY IN INTEREST

The real party of interest is:

U.S. Philips Corporation
a parent corporation of the Assignee
Koninklijke Philips Electronics, N.V.,
Eidenhoven (NL)

II. RELATED APPEALS AND INTERFERENCES

No other appeal or interference that would directly affect or have an effect or bearing on the Board's decision with this appeal exists.

III. STATUS OF THE CLAIMS

Claims 1-7 remain pending in this application. The final rejection of claims 1-7 is appealed.

IV. STATUS OF THE AMENDMENTS

In the After Final Response filed on October 14, 2003, claim 2 was amended merely to improve syntax. This amendment did not affect the scope of the claims and it was indicated in the Advisory Action dated November 05, 2003 that the amendment would entered upon the filing of a Notice of Appeal.

V. SUMMARY OF THE INVENTION

The invention is directed to a lamp which is capable of suppressing lack of uniformity of luminous intensity distribution - see paragraph [0003] of the substitute specification filed on July 10, 2003. As set forth in paragraph [0004] the invention is characterized in that the plurality of filaments is arranged around the lead rod so that the light emitted from the filaments is irradiated approximately uniformly toward the surroundings of the lamp without being shut off (viz., blocked) by the lead rod. This enables a lack of uniformity of luminous intensity distribution to be suppressed.

Paragraph [0019] discloses that the hanger-like supports 10 and 12 protruded to the opposite sides of the lead rod 8. This paragraph further discloses that, when each of the connecting wires 13f and 13g connecting three filaments 13a, 13b and 13c (by way of example), is hooked on the respective supports 10 and 12, the filaments assume a condition wherein the filaments 13a and 13c are arranged on both sides of the filaments 13b. It is further disclosed that, as shown in Fig. 2, the three filaments 13a, 13b and 13c are arranged 180 degrees about the lead rod 8 and so that filaments 13a and 13c are diametrically opposite lead rod 8 and so that filaments 13a, 13b and 13c are arranged in a triangular formation and thus at the points of a triangle which lines on a plane normal to

the lead rod 8. This eliminates the situation wherein there is a lead rod that can cast a uniformity of the luminous intensity distribution reducing shadow onto the envelope If the lamp.

VII. ISSUES

The issues upon appeal are:

1) Whether the Examiner erred in finally rejecting claims 1-7 under 35 USC § 112, second paragraph as being indefinite;

2) Whether the Examiner erred in Finally rejecting claims 1-6 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,909,653 to Bottone et al (hereinafter Bottone); and

3) Whether the Examiner erred in rejecting claim 7 under 35 USC § 103(a) as being unpatentable over Bottone.

VIII. GROUPING OF CLAIMS

The claims are not grouped and are deemed to be individually patentable. The reasons that each of the claims are deemed patentable will be set forth below under the heading of "Arguments".

IX. ARGUMENTS

1) The Examiner has erred in finally rejecting claims 1-7 under 35 USC § 112, second paragraph as being indefinite.

The rejection is based on the improper premise that the use of "essentially" renders everything that follows the term to be indefinite. It is submitted that this rejection cannot be considered tenable. To assert that a single word is a phrase is incorrect, and it is further untenable to suggest that it is unclear whether the limitation(s) which follow the alleged phrase (viz., the term "essentially") are part of the claimed invention. It will be evident even to the casual observer that "located on essentially diametrically opposite sides" is such that "essentially" is an adverb that modifies "diametrically opposite." This

adverb (viz., "essentially") is very commonly used in claim language to allow for small deviations from what otherwise may be interpreted as being an exact positional/value requirement. Reversal of this rejection is considered proper and respectfully requested.

2) The Examiner has erred in Finally rejecting claims 1-7 under 35 USC § 102(b) as being anticipated by Bottone.

The rejection of claims 1 and 2 under 35 USC § 102(b) as being anticipated by Bottone is untenable and should be reversed. It is submitted that the arrangement set forth in claim 1 is neither disclosed nor suggested by the Bottone reference. More specifically, claim 1 calls for two filaments to be located on essentially diametrically opposite sides of each of at least one lead rod. This structure is, as demonstrated by the labeled figures provided in **Appendix-B**, which shows Figs. 1 and 2 of Bottone, missing elements (denoted by broken line circles) which would be necessary in order for the appealed claims to be readable on the Bottone arrangement.

The arrangement disclosed in Bottone is such that the lead-in conductors 26 are located with respect to the filaments so that the endmost filaments or windings are actually wound around the lead-in conductors and thus coaxially arranged with the respect to the lead-in conductors. The remaining filaments are all grouped between the two lead-in conductors (see Fig. 2 in **Appendix-B**). Therefore, this arrangement is such that two filaments cannot be physically located on opposite sides of a lead-in conductor or wire and cannot meet the claim requirement that two filaments are located on essentially diametrically opposite sides of the lead-in conductor or lead rod.

Further, the rejection is unclear in that it is stated that Bottone has lead-in wires ***26*** which are embedded in a press seal 16. However, several lines later the rejection states that "each lead rods ***34*** has two filaments located diametrically opposite sides thereof". Firstly, there is confusion as whether elements 26 or 34 are being taken as the claimed "at least one lead rod" and secondly, the claims call for the locations to be "on essentially diametrically opposite sides."

The rejection is further rendered confusing and untenable by the statement in the rejection that:

> "The short end coils are slipped over and fastened, as by welding, to the inner ends of the leads in wires 26"

The rejection immediately following the above statement then states:

> **(groups of three filaments are arranged so that each of the three filament[s] is located at a point of a triangle which lies on a plane normal to the lead rod 26 or lead-in wire)**

There is no explanation as to how this stated situation is disclosed and can only be presumed to be in some way supported by the short end coils being slipped over the lead in wires. It is submitted that there is no nexus between the triangulation of the filaments and the (coaxial) disposition of the short end coils on the lead-in wires 26. This cannot be relied upon to establish a *prima facie* case of anticipation of the triangulation which is called for.

To even further muddy the waters, the above is followed by a further statement in the rejection which states:

> "and the intermediate portion of the <u>filament</u> between the main coil sections are engaged by the hooked ends (**hook portion**) of auxiliary support wires 32 and 34 (**at least one lead rods wherein connected to each of the plurality of filament structure element**) that depend from the bridge members 22 and 20, respectively." (column 3, lines 12-34).

It is respectfully submitted that this is, to say the very least, unclear and totally insufficient to establish a clear position with respect to the disclosure of Bottone and therefore insufficient to establish a *prima facie* case of anticipation. Even a careful reading of the quoted section of Bottone does not provide any clarification. Viz., column 3, lines 12-23 of the Bottone reference sets forth:

> Centrally disposed within the body portion of the envelope 12 is a unitary filament mount 18 consisting of a lower

> transverse bridge member 20 that is joined to a similar upper bridge member 22 by a pair of compressible members such as resilient support wires 24 and a pair of upstanding rigid lead-in conductors or wires 26. As is shown in FIGS. 1 and 3, the lead-in wires 26 are embedded in the press seal 16 and in the lower bridge member 20 and are each fabricated from a single piece or length of wire. The lower ends of the resilient support wires 24 are spot welded to the rigid leads 26 and have their opposite end embedded in and joined by the upper bridge member 22. The filament 28 is of biplane construction and consists of a plurality of joined coiled sections of tungsten wire arranged in parallel spaced relationship with the coil sections extending parallel to the envelope axis. The short end coils are slipped over and fastened, as by welding, to the inner ends of the leadin wires 26 and the intermediate portions of the filament between the main coil sections are engaged by the hooked ends of auxiliary support wires 32 and 34 that depend from the bridge members 22 and 20, respectively.

As will be appreciated this does not disclose what the Examiner would purport.

3) The Examiner has erred in rejecting claim 7 under 35 USC § 103(a) as being unpatentable over Bottone.

The rejection of claim 7 under 35 USC § 103(a) as being unpatentable over Bottone is untenable. The rejection is based on the premise that Bottone discloses the claimed invention with the exception that the winding at each end of the single wire is axially displaced with respect to the serially connected filaments so that each filament is located closer to a glass piece that connects the lead rods than the serially connected filaments. This structure is improperly alleged to be obvious because the hypothetical person of ordinary skill would have spaced the windings closer to the glass because

rearranging parts involves only routine skill in the art. *In re Japikse* is cited in support of this position.

This rejection is untenable. *In re Japikse* , 181 F.2d 1019, 86 USPQ 70 (CCPA 1950) merely contained claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch and which were held unpatentable because shifting the position of the starting switch would not have ***modified*** the operation of the device.

However, in this instance, the change involves moving a filament or filaments within the bulb envelope. Since the filaments are the source of light, moving some of the filaments and therefore the locations at which some of the light is generated, would result in a change in the light generation pattern within the bulb and potentially other characteristics. This would therefore, ***modify*** the operation of the device and introduce a fundamental change therein. This negates the application of *In re Japikse* wherein ***no modification*** of the operation of the device is a prerequisite.

Further, in *Ex parte Chicago Rawhide Manufacturing Co.* , 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984) it was established that:

> "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art **must provide a motivation or reason** for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." (Emphasis added)

In this rejection there is no motivation established for the hypothetical person of ordinary skill to even consider a change, and as noted above, moving one of the filaments will effect the operation of the Bottone lamp. That is to say, Bottone clearly show arranging the filaments in what is referred to as a "biplane" arrangement and focuses attention on providing an arrangement which will cause the filament array to

have a predetermined position within the glass envelope so that the inner walls of the envelope are maintained within an operating temperature range.

In addition, at column 4, line 60 – column 5, line 3, it is disclosed that a reflector (see Figs. 5 and 6) can be disposed so as to reflect heat back onto the filament and to direct light toward the front wall of the envelope. It is submitted that the hypothetical person of ordinary skill would be influenced by the disclosure of this reference and would accordingly be led to the conclusion that it is necessary to keep all of the filaments in the disclosed positions with respect to the reflector – and thus allow the desired reflection to be efficiently carried out. This would therefore inhibit consideration of arbitrarily axially displacing the endmost filaments or windings away from their disclosed positions in the manner purported in this rejection and therefore quash any consideration of the hypothetical person of ordinary skill from simply moving filaments from said illustrated positions.

In connection with the position that the claims are not grouped and do not stand or fall as a group, the following arguments are presented in order to substantiate this position irrespective of the fact that they are in some instances redundant.

Claim 1 is patentable over the art for at least the reasons advanced above.

Claim 2 is patentable in that it calls for the lamp to comprises a plurality of filament structure elements wherein each of the filament structure elements has a plurality of filaments, and wherein the lamp comprises a plurality of the lead rods, wherein one of the plurality of the lead rods is connected to each of the plurality of filament structure elements. It is submitted that this structure is not found nor suggested by the art of record.

Claim 3 is patentable over the art in that it calls for at least a predetermined number of the plurality of filaments to be serially connected. This, in combination with the unique subject matter of claim 1, endows patentablity on the claim.

Claim 4 is patentable in that it further calls for a plurality of support wires which have hook portions which each hook a portion of a single wire from which the predetermined number of serially connected filaments are formed and which is between

two of the serially connected filaments. Again this subject matter, in combination with that of claim 1, which it inherently includes, is sufficient to endow patentability on this claim.

Claim 5 is patentable in that it calls for windings that are wound from a single wire from which the predetermined number of serially connected filaments are formed, and which are located at each end of the single wire. This, in combination with the unique subject matter of claim 1, endows patentability on the claim.

Claim 6 is patentable in that it calls for a single wire which is wound at a number of locations to form a number of the serially connected filaments and further wound to form a winding at each end. This, in combination with the unique subject matter of claim 1, endows patentability on the claim.

Conclusion

It is submitted that none of the rejection made in the Final Office Action are tenable. It is respectfully submitted that *prima facie* cases of anticipation and obviousness have not been established for at least the reasons advanced above. It is further respectfully submitted that none of the rejections which have been levied against the appealed claims are tenable for at least the reasons advanced above. It is therefore respectfully requested that these rejections be reversed, the pending claims be allowed, and the application passed to issue.

Respectfully submitted,

Date January 9, 2004

By

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Keith J. Townsend
Registration No. 40,358

APPENDIX - A
CLAIMS ON APPEAL

1. A lamp comprising at least one lead rod and a plurality of filaments, wherein the plurality of filaments is arranged around the lead rod so that each lead rod has two filaments located on essentially diametrically opposite sides thereof and wherein groups of three filaments are arranged so that each of the three filaments is located at a point of a triangle which lies on a plane normal to the lead rod.

2. A lamp as claimed in claim 1, wherein the lamp comprises a plurality of filament structure elements, each of the filament structure elements having the plurality of filaments, and wherein the lamp comprises a plurality of the lead rods, wherein one of the plurality of the lead rods is connected to each of the plurality of filament structure elements.

3. A lamp as claimed in claim 1, wherein at least a predetermined number of the plurality of filaments are serially connected.

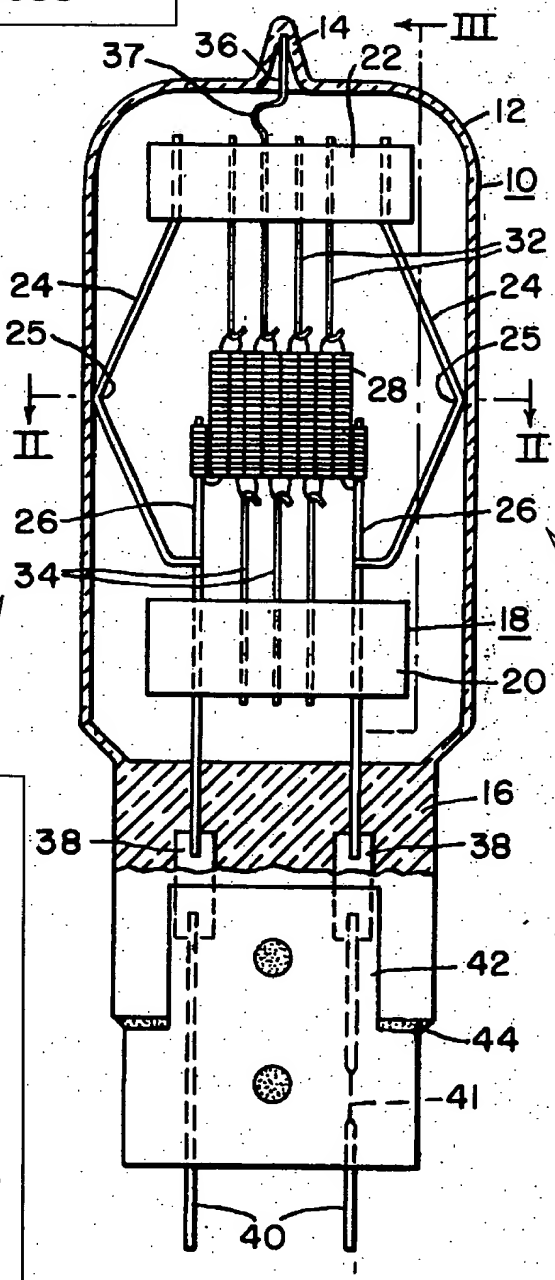
4. A lamp as claimed in claim 3, further comprising a plurality of support wires which have hook portions which each hook a portion of a single wire from which the predetermined number of serially connected filaments are formed and which is between two of the serially connected filaments.

5. A lamp as claimed in claim 2, further comprising windings which are wound from a single wire from which the predetermined number of serially connected filaments are formed, and which are located at each end of the single wire.

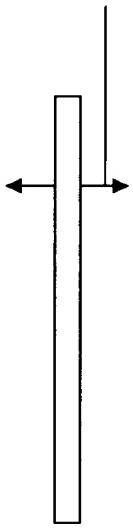
6. A lamp as claimed in claim 1, comprising a single wire, the single wire being wound at a number of locations to form a number of the serially connected filaments and further wound to form a winding at each end.

APPENDIX- B

FIG. 1 OF UNITED STATES PATENT NO. 3,909,653



Diametrical direction with respect to a wire



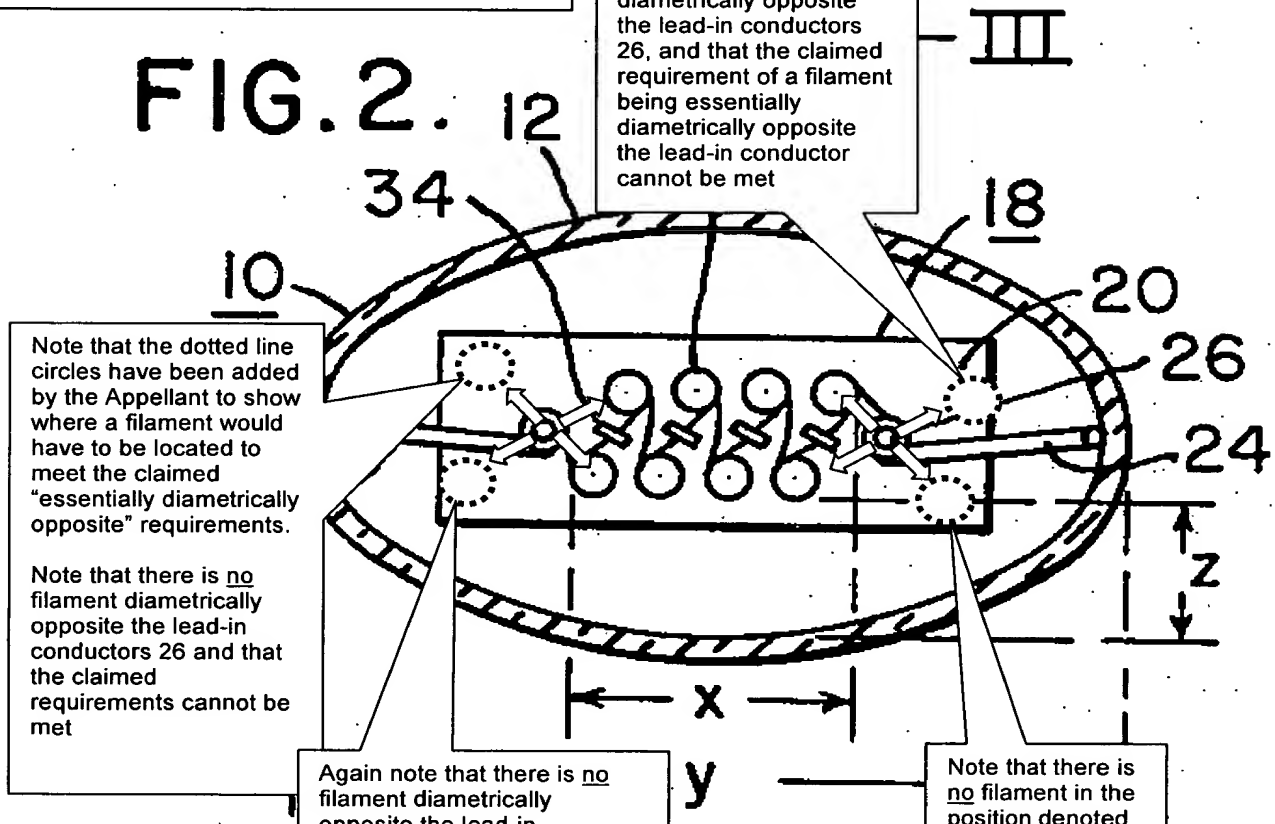
#34 are disclosed as being support wires and are not configured to conduct electrical current. The support wires which are recited in claim 4 read on these wires. These wires therefore cannot be considered to anticipate the claimed "at least one lead rod" in claim 1.

Further, there are no filaments on either side thereof and therefore do not meet the claimed requirement that "each lead rod has two filaments located on essentially diametrically opposite side thereof"

26 are disclosed as electrically conductive lead-in conductors or wires. As clear from Fig. 2 (below) neither of these wires have filaments on opposite sides thereof and therefore do not meet the claimed requirement that "each lead rod has two filaments located on essentially diametrically opposite sides thereof"

FIG. 2 OF UNITED STATES PATENT No. 3,909,653

FIG. 2.



Note that there is no filament disposed in the position denoted by the broken line circle (added by Appellant) so as to be diametrically opposite the lead-in conductors 26, and that the claimed requirement of a filament being essentially diametrically opposite the lead-in conductor cannot be met

Note that the dotted line circles have been added by the Appellant to show where a filament would have to be located to meet the claimed "essentially diametrically opposite" requirements.

Note that there is no filament diametrically opposite the lead-in conductors 26 and that the claimed requirements cannot be met

Again note that there is no filament diametrically opposite the lead-in conductors 26 and that the dotted circle (added by Appellant) shows where a filament would have to be located to met the claimed requirements.

Note that there is no filament in the position denoted by the broken line circle so as to be diametrically opposite the lead-in conductors 26

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Paragraph [0019] discloses that the hanger-like supports 10 and 12 protruded to the opposite sides of the lead rod 8. This paragraph further discloses that, when each of the connecting wires 13f and 13g connecting three filaments 13a, 13b and 13c (by way of example), is hooked on the respective supports 10 and 12, the filaments assume a condition wherein the filaments 13a and 13c are arranged on both sides of the filaments 13b. It is further disclosed that, as shown in Fig. 2, the three filaments 13a, 13b and 13c are arranged 180 degrees about the lead rod 8 and so that filaments 13a and 13c are diametrically opposite lead rod 8 and so that filaments 13a, 13b and 13c are arranged in a triangular formation and thus at the points of a triangle which lines on a plane normal to

the lead rod 8. This eliminates the situation wherein there is a lead rod that can cast a uniformity of the luminous intensity distribution reducing shadow onto the envelope If the lamp.

VII. ISSUES

The issues upon appeal are:

1) Whether the Examiner erred in finally rejecting claims 1-7 under 35 USC § 112, second paragraph as being indefinite;

2) Whether the Examiner erred in Finally rejecting claims 1-6 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,909,653 to Bottone et al (hereinafter Bottone); and

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adverb (viz., "essentially") is very commonly used in claim language to allow for small deviations from what otherwise may be interpreted as being an exact positional/value requirement. Reversal of this rejection is considered proper and respectfully requested.

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The rejection of claims 1 and 2 under 35 USC § 102(b) as being anticipated by Bottone is untenable and should be reversed. It is submitted that the arrangement set forth in claim 1 is neither disclosed nor suggested by the Bottone reference. More specifically, claim 1 calls for two filaments to be located on essentially diametrically opposite sides of each of at least one lead rod. This structure is, as demonstrated by the labeled figures provided in **Appendix-B**, which shows Figs. 1 and 2 of Bottone, missing elements (denoted by broken line circles) which would be necessary in order for the appealed claims to be readable on the Bottone arrangement.

The arrangement disclosed in Bottone is such that the lead-in conductors 26 are located with respect to the filaments so that the endmost filaments or windings are actually wound around the lead-in conductors and thus coaxially arranged with the respect to the lead-in conductors. The remaining filaments are all grouped between the two lead-in conductors (see Fig. 2 in **Appendix-B**). Therefore, this arrangement is such that two filaments cannot be physically located on opposite sides of a lead-in conductor or wire and cannot meet the claim requirement that two filaments are located on essentially diametrically opposite sides of the lead-in conductor or lead rod.

Further, the rejection is unclear in that it is stated that Bottone has lead-in wires ***26*** which are embedded in a press seal 16. However, several lines later the rejection states that "each lead rods ***34*** has two filaments located diametrically opposite sides thereof". Firstly, there is confusion as whether elements 26 or 34 are being taken as the claimed "at least one lead rod" and secondly, the claims call for the locations to be "on essentially diametrically opposite sides."

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The rejection immediately following the above statement then states:

> **(groups of three filaments are arranged so that each of the three filament[s] is located at a point of a triangle which lies on a plane normal to the lead rod 26 or lead-in wire)**

There is no explanation as to how this stated situation is disclosed and can only be presumed to be in some way supported by the short end coils being slipped over the lead in wires. It is submitted that there is no nexus between the triangulation of the filaments and the (coaxial) disposition of the short end coils on the lead-in wires 26. This cannot be relied upon to establish a *prima facie* case of anticipation of the triangulation which is called for.

To even further muddy the waters, the above is followed by a further statement in the rejection which states:

> "and the intermediate portion of the <u>filament</u> between the main coil sections are engaged by the hooked ends (**hook portion**) of auxiliary support wires 32 and 34 (**at least one lead rods wherein connected to each of the plurality of filament structure element**) that depend from the bridge members 22 and 20, respectively." (column 3, lines 12-34).

It is respectfully submitted that this is, to say the very least, unclear and totally insufficient to establish a clear position with respect to the disclosure of Bottone and therefore insufficient to establish a *prima facie* case of anticipation. Even a careful reading of the quoted section of Bottone does not provide any clarification. Viz., column 3, lines 12-23 of the Bottone reference sets forth:

> Centrally disposed within the body portion of the envelope 12 is a unitary filament mount 18 consisting of a lower

> transverse bridge member 20 that is joined to a similar upper bridge member 22 by a pair of compressible members such as resilient support wires 24 and a pair of upstanding rigid lead-in conductors or wires 26. As is shown in FIGS. 1 and 3, the lead-in wires 26 are embedded in the press seal 16 and in the lower bridge member 20 and are each fabricated from a single piece or length of wire. The lower ends of the resilient support wires 24 are spot welded to the rigid leads 26 and have their opposite end embedded in and joined by the upper bridge member 22. The filament 28 is of biplane construction and consists of a plurality of joined coiled sections of tungsten wire arranged in parallel spaced relationship with the coil sections extending parallel to the envelope axis. The short end coils are slipped over and fastened, as by welding, to the inner ends of the leadin wires 26 and the intermediate portions of the filament between the main coil sections are engaged by the hooked ends of auxiliary support wires 32 and 34 that depend from the bridge members 22 and 20, respectively.

As will be appreciated this does not disclose what the Examiner would purport.

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In this rejection there is no motivation established for the hypothetical person of ordinary skill to even consider a change, and as noted above, moving one of the filaments will effect the operation of the Bottone lamp. That is to say, Bottone clearly show arranging the filaments in what is referred to as a "biplane" arrangement and focuses attention on providing an arrangement which will cause the filament array to

have a predetermined position within the glass envelope so that the inner walls of the envelope are maintained within an operating temperature range.

In addition, at column 4, line 60 – column 5, line 3, it is disclosed that a reflector (see Figs. 5 and 6) can be disposed so as to reflect heat back onto the filament and to direct light toward the front wall of the envelope. It is submitted that the hypothetical person of ordinary skill would be influenced by the disclosure of this reference and would accordingly be led to the conclusion that it is necessary to keep all of the filaments in the disclosed positions with respect to the reflector – and thus allow the desired reflection to be efficiently carried out. This would therefore inhibit consideration of arbitrarily axially displacing the endmost filaments or windings away from their disclosed positions in the manner purported in this rejection and therefore quash any consideration of the hypothetical person of ordinary skill from simply moving filaments from said illustrated positions.

In connection with the position that the claims are not grouped and do not stand or fall as a group, the following arguments are presented in order to substantiate this position irrespective of the fact that they are in some instances redundant.

Claim 1 is patentable over the art for at least the reasons advanced above.

Claim 2 is patentable in that it calls for the lamp to comprises a plurality of filament structure elements wherein each of the filament structure elements has a plurality of filaments, and wherein the lamp comprises a plurality of the lead rods, wherein one of the plurality of the lead rods is connected to each of the plurality of filament structure elements. It is submitted that this structure is not found nor suggested by the art of record.

Claim 3 is patentable over the art in that it calls for at least a predetermined number of the plurality of filaments to be serially connected. This, in combination with the unique subject matter of claim 1, endows patentablity on the claim.

Claim 4 is patentable in that it further calls for a plurality of support wires which have hook portions which each hook a portion of a single wire from which the predetermined number of serially connected filaments are formed and which is between

two of the serially connected filaments. Again this subject matter, in combination with that of claim 1, which it inherently includes, is sufficient to endow patentability on this claim.

Claim 5 is patentable in that it calls for windings that are wound from a single wire from which the predetermined number of serially connected filaments are formed, and which are located at each end of the single wire. This, in combination with the unique subject matter of claim 1, endows patentability on the claim.

Claim 6 is patentable in that it calls for a single wire which is wound at a number of locations to form a number of the serially connected filaments and further wound to form a winding at each end. This, in combination with the unique subject matter of claim 1, endows patentability on the claim.

Conclusion

It is submitted that none of the rejection made in the Final Office Action are tenable. It is respectfully submitted that *prima facie* cases of anticipation and obviousness have not been established for at least the reasons advanced above. It is further respectfully submitted that none of the rejections which have been levied against the appealed claims are tenable for at least the reasons advanced above. It is therefore respectfully requested that these rejections be reversed, the pending claims be allowed, and the application passed to issue.

Respectfully submitted,

Date January 9, 2004

By

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APPENDIX - A
CLAIMS ON APPEAL

1. A lamp comprising at least one lead rod and a plurality of filaments, wherein the plurality of filaments is arranged around the lead rod so that each lead rod has two filaments located on essentially diametrically opposite sides thereof and wherein groups of three filaments are arranged so that each of the three filaments is located at a point of a triangle which lies on a plane normal to the lead rod.

2. A lamp as claimed in claim 1, wherein the lamp comprises a plurality of filament structure elements, each of the filament structure elements having the plurality of filaments, and wherein the lamp comprises a plurality of the lead rods, wherein one of the plurality of the lead rods is connected to each of the plurality of filament structure elements.

3. A lamp as claimed in claim 1, wherein at least a predetermined number of the plurality of filaments are serially connected.

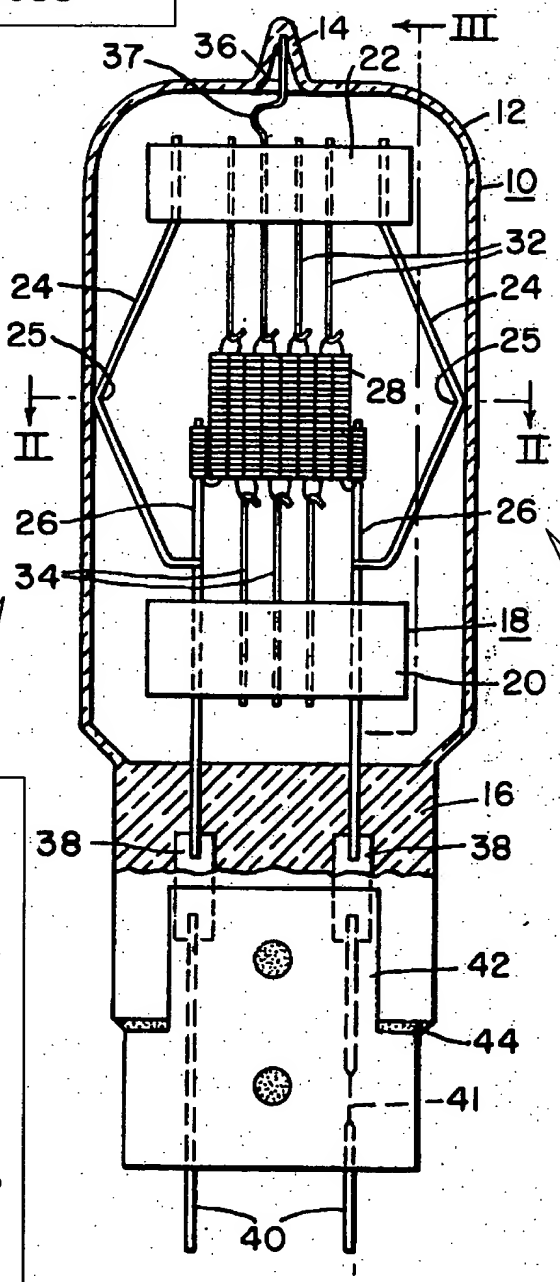
4. A lamp as claimed in claim 3, further comprising a plurality of support wires which have hook portions which each hook a portion of a single wire from which the predetermined number of serially connected filaments are formed and which is between two of the serially connected filaments.

5. A lamp as claimed in claim 2, further comprising windings which are wound from a single wire from which the predetermined number of serially connected filaments are formed, and which are located at each end of the single wire.

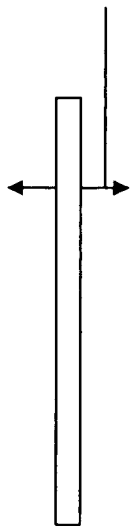
6. A lamp as claimed in claim 1, comprising a single wire, the single wire being wound at a number of locations to form a number of the serially connected filaments and further wound to form a winding at each end.

APPENDIX- B

FIG. 1 OF UNITED STATES PATENT NO. 3,909,653



Diametrical direction with respect to a wire



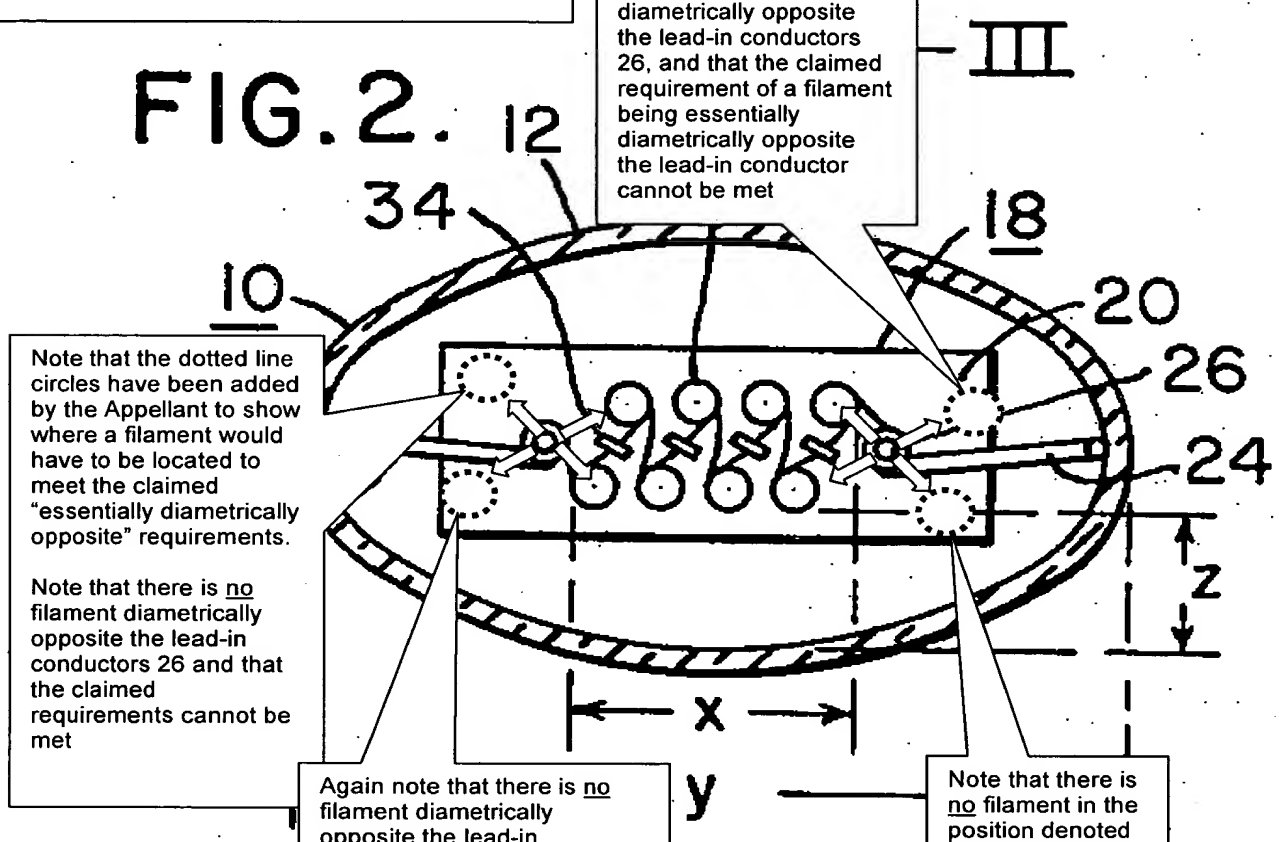
#34 are disclosed as being support wires and are not configured to conduct electrical current. The support wires which are recited in claim 4 read on these wires. These wires therefore cannot be considered to anticipate the claimed "at least one lead rod" in claim 1.

Further, there are no filaments on either side thereof and therefore do not meet the claimed requirement that "each lead rod has two filaments located on essentially diametrically opposite side thereof"

26 are disclosed as electrically conductive lead-in conductors or wires. As clear from Fig. 2 (below) neither of these wires have filaments on opposite sides thereof and therefore do not meet the claimed requirement that "each lead rod has two filaments located on essentially diametrically opposite sides thereof"

FIG. 2 OF UNITED STATES PATENT No. 3,909,653

FIG. 2.



Note that there is no filament disposed in the position denoted by the broken line circle (added by Appellant) so as to be diametrically opposite the lead-in conductors 26, and that the claimed requirement of a filament being essentially diametrically opposite the lead-in conductor cannot be met

Note that the dotted line circles have been added by the Appellant to show where a filament would have to be located to meet the claimed "essentially diametrically opposite" requirements.

Note that there is no filament diametrically opposite the lead-in conductors 26 and that the claimed requirements cannot be met

Again note that there is no filament diametrically opposite the lead-in conductors 26 and that the dotted circle (added by Appellant) shows where a filament would have to be located to met the claimed requirements.

Note that there is no filament in the position denoted by the broken line circle so as to be diametrically opposite the lead-in conductors 26